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ARTICLE I.

## AGNOSTICISM.<sup>1</sup>

When Auguste Comte propounded his philosophical system to the world, he gave that system the name of Positivism. The scientific method which he in common with the body of physical inquirers pursued, and which he commended as the only method that is fruitful of valuable or satisfactory results, he styled the Positive, and the thinkers who, under his guidance, adopted and advocated that method to the exclusion of every other, he denominated Positivists. These descriptive terms were willingly accepted by the bulk of his followers; even by such of them as John Stuart Mill, and perhaps *M. Littré*, distinguished pupils who considerably modified and extended the views of the acknowledged master of the school. From this it was a very natural step to apply the convenient term "Positivists" to *all* who, in addition to the familiarity they betray with Comte's nomenclature, agree with Comte in his essential principles; nor has the fashion of doing so wholly gone out even now that so

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<sup>1</sup>This paper takes its starting-point from the article on Positivism in the work entitled "Modern Philosophy, from Descartes to Schopenhauer and Hartmann. By Francis Bowen, A. M., Alford Professor of Natural Religion and Moral Philosophy in Harvard College. Second Edition. New York: Scribner, Armstrong & Company, 1878."

## ARTICLE IV.

THE WORLD'S MARRIAGE LAW AND THE  
DECEASED WIFE'S SISTER.

The interest which courts and congresses, officials and laymen, atheists and ascetics, are manifesting in the long-talked-of marriage of the "wife's sister," is a sufficient apology for a recurrence to this vexed theme. This is a wooing attended with more than feline discord. The damsel, with a change of the gender, might cry with Jeremiah, "Woe is me, my mother, that thou hast borne me, a man of strife, a man of contention to the whole earth." Royal families, parliaments, bishops, legislatures, church courts, secular and religious papers, are at variance touching this female. One of the Reviews declares that if she is not allowed to get married, the British Constitution must be changed and the House of Lords abolished, as it is now constituted.

The curious part of all this is that the lady herself has never informed the public that she is especially anxious to wed. She has never laden carts with mammoth petitions for a husband and had them driven into legislative halls. She has never mobbed cabinets, threatening vengeance if she was not married at once. She has never clubbed down inoffensive strangers with lectures on heterogeneity and philadelphic affinities. But none the less this most delicate question about her change of state is talked about publicly, with no more reserve than people talk about a transit of Venus. It will, perhaps, be considered that she has reached the lowest depth, when, as in the present case, she has fallen into the hands of one who, practically a misogynist, is verging towards sexagenarianism.

We indulge ourselves in this levity of introduction, knowing that it will be more than counterbalanced by a subsequent heaviness. A disquisition on law is attractive to few. Even clear-minded people often become confused when calculating the intricacies of relationship, and find difficulty in naming without hesitation the exact connexion between themselves and, let us say, father's wife's son's daughter's husband's sister. When

to the original difficulty is superadded the complication of an unusual system of calculation, the confusion is still greater. When limited space requires that the arguments should be presented in outline, instead of in full detail, it makes the labor of the reader still harder. We apprehend that unless moved thereto by a sense of duty, few will give this article a single perusal, and of this Spartan band, we fear but a small fraction will afford that more thorough study essential to full comprehension. Having as in duty bound given fair warning, reader and writer can proceed to their labor.

It is our purpose to examine the law which Moses has given touching prohibited degrees, with especial reference to the lawfulness of marriage with the sister of a deceased wife. The conclusions to which we may arrive depend altogether upon what is taught in the twelve verses beginning with the seventh of the eighteenth chapter of Leviticus. Our inquiry will be rigidly limited to seeking the proper interpretation of this passage. The best preparation, on the part of reader and writer alike, for such a study of law as we propose, is to leave out of view all outside fancies, prejudices, and sentiments. It is to be remembered that neither scientific considerations nor domestic convenience have any bearing in fixing the decision. Many sins are excessively "convenient," but writers on morals do not consider that the existence of this element turns a wrong into right. Neither the advantage of having the aunt as a step-mother, nor the disadvantage of having in a sister a rival and possible successor, bears at all upon the only thing with which we have to do in this investigation. We are to find, or to try to find, what Moses commanded, and are not to trouble ourselves about what we think he should have commanded.

There are many who consider this passage less as a crystallised symmetrical form than, as we might say, an amorphous conglomerate—an irregular prohibition of various degrees, but not complete in its directions, and requiring to be supplemented from the light of nature, common sense, and sentiment. Against this idea, we assume—and this will be the only thing we shall assume in the whole discussion—that the law is a perfect one; that

every forbidden degree is named, or necessarily implied; and that the legislation is absolutely exhaustive. It is rightly assumed in the study of the Decalogue, that a perfect code of morals is enunciated, and all examinations of that table proceed on that hypothesis. The passage before us is the World's Marriage Law. Here are the rules given by God in the early morning of human history, to guide man in the formation of the most important of earthly relationships. Society, civilisation, religion, all of the good of earth, depends on the family. While the family itself, depends for its very existence on the regulations contained in the passage we are now considering. When we call it "The World's Marriage Law," we call it precisely what it is.

We assert next that it is a monogram. These twelve verses are God's one revelation on the marriage bond. In many of the teachings of the Bible, we must compare scripture with scripture, and only by a diligent search, can we learn the mind of the Spirit. The different authors and their different styles, the various topics discussed, the various shades of meaning which even the same expression bears in different connexions, are all sources of perplexity and confusion. Many passages seem perfectly clear until we find that their apparent meaning must be modified by other things said elsewhere. On the subject of forbidden degrees, the teaching of Scripture is not to be attained by a diligent search of many chapters and a close comparison of one with another. The right and wrong is enunciated in a dozen consecutive verses. The formula is well nigh as brief and exact as a summary of doctrine. Once enunciated it is dropped. If twice Moses alludes to what he here said, it is but an allusion. No later writer in Scripture was allowed to review these commands. Christ himself did not choose to enforce, vary, or speak of what his servant here proclaimed. We revert to the word we have used. These twelve verses are a monogram. They might be called the Dodecalogue of Marriage; the Twelve Commandments; the Finished Code. If our study here leads us to no sure results, we need look no further. There is nothing that can teach us.

The narrowness of the field which is to be searched encourages us to hope that a cautious criticism, dealing with plain state-

ments, told once in plain language, will enable us to attain a clear comprehension of these commands. The proverbial needle in a haystack could be found if the latter consisted of but twelve blades of grass. Nor need the seeker after truth despair of attaining absolute certainty. It may discourage an ordinary student, that men of the greatest goodness and learning have taken different views, and that the highest research has resulted in an endless round of statement and contradiction. But we are to remember that there has always been a disturbing element in the study. And that is, the profound impression which Gnosticism made on Romanism and Romanism on the world. This, combined with the horror of incest instinctive in northern nations, has "perturbed" the course of thought as one planet perturbs another, and reveals its own otherwise unsuspected existence by such a phenomenon. Yet more, in this especial discussion, the study has not been given to the law as a whole, but to one or two verses taken from their connexion. A college of *savants*, with one or two bricks before them, might dispute for ages about the shape of the building of which they were a part, while one with a fraction of their learning who visits the edifice has a correct idea of it. Had a very small portion of the talent and study which have been exhausted in disputes and wrangling, been given to the marriage monogram itself, we believe its difficulties would have been long since removed, and that every practical matter of which it treats would have passed from the limbo of uncertainties to the solid ground of absolute understanding. If we have any hope of assisting towards a better comprehension of the subject, it is because we may enable our readers to form an idea of the whole system.

It will be presently seen that in the passage under consideration Moses announces three distinct classes of prohibition. In the first verses, one-half of the whole, he names unlawful degrees of natural kindred. In the next three, he prohibits the widows of natural kindred. In the last two, he declares the law about the relations of the wife. The rules for these three classes are, with one exception, kept as distinct from one another as they are from the commands about the year of Jubilee. We copy the law as it stands, dividing it according to the different subjects.

## THE LAW OF NATURAL KINDRED.

"7. The nakedness of thy father, or the nakedness of thy mother, shalt thou not uncover; she is thy mother, thou shalt not uncover her nakedness.

"8. The nakedness of thy father's wife, shalt thou not uncover; it is thy father's nakedness.

"9. The nakedness of thy sister, the daughter of thy father, or daughter of thy mother, whether she be born at home or born abroad; even their nakedness thou shalt not uncover.

"10. The nakedness of thy son's daughter, or of thy daughter's daughter, even their nakedness thou shalt not uncover; for theirs is thine own nakedness.

"11. The nakedness of thy father's wife's daughter, begotten of thy father, she is thy sister; thou shalt not uncover her nakedness.

"12. Thou shalt not uncover the nakedness of thy father's sister, for she is thy father's near kinswoman.

"13. Thou shalt not uncover the nakedness of thy mother's sister, for she is thy mother's near kinswoman."

Before transcribing the remainder of the law, we call attention to the solitary apparent irregularity of the whole table, which is the introduction of the wife of the father among natural kindred. We think there is a reason for this. Of all forms of incest that is unquestionably the most horrible which occurs between blood relations. Of all abominations of this black category, the most hideous is the crime to which the mother of Nero is said to have solicited her son. This arch horror is named first, and next to it is named an iniquity cognate to it. When Paul describes the atrocities of the heathen world, he tells of crimes at which nature itself revolts. He goes over details which literally sicken modern sensibilities. But after describing things unspeakable, he says that the especial crime of union with a father's wife was not so much as named among the heathens. Men who, as it appears to us, had sunk into depths of unfathomable vileness, turned with horror from such an approach to the direct line. We see that it is meet and right to introduce this especial crime, not among the comparatively smaller ones of the class to which it belongs, but in the enumeration of sins of blackest hue to which in turpitude it corresponds. We proceed to examine the remainder of the directions.

## THE LAW FOR THE WIDOWS OF KINDRED.

"14. Thou shalt not uncover the nakedness of thy father's brother; thou shalt not approach to his wife; she is thine aunt.

"15. Thou shalt not uncover the nakedness of thy daughter-in-law, she is thy son's wife; thou shalt not uncover her nakedness.

"16. Thou shalt not uncover the nakedness of thy brother's wife; it is thy brother's nakedness.

## THE LAW OF THE WIFE'S RELATIONS.

"17. Thou shalt not uncover the nakedness of a woman and her daughter, neither shalt thou take her son's daughter or her daughter's daughter to uncover her nakedness, for they are her near kinswomen; it is wickedness.

"18. Neither shalt thou take a wife to her sister to vex her, to uncover her nakedness beside the other in her life time."

We wish to state in a few words the grounds on which we make the division we have suggested. If we can show that it is a correct one, we think we can also show that there is no element of uncertainty or confusion in the legislation we are examining. Provided only we can attain to the knowledge of what may not improperly be called the basic principle of the code, we can make any especial application we wish without difficulty. That there is such a principle, will be more and more evident as the student continues his researches into this passage. And that principle we can briefly state to be, reverence for the direct line, and bringing it into especial prominence. We are accustomed when computing relationship, to calculate degrees from individual to individual, while in this table and in Scripture generally, the direct line is made the origin, and it is used as the guide in estimating the nearness of consanguinity. The words "cousin" and "niece" do not appear in the Old Testament at all, and "nephew" but three times.

Our meaning can be best understood by pointing to the fact itself. We turn to the table and find that the step-mother is forbidden, and by necessary inference the step-grandmother. Now what precisely are the corresponding descending degrees? Every one will at once reply, step-children. We do not suppose that if a thousand men were asked to name the opposite of the step-

parents, one of the number would fail to name the step-daughter or step-granddaughter. But exactly here is the error. A step-child does not correspond to a step-mother. The table follows the direct line, and all the estimates are from this. The wife of the son, and not the daughter of the partner, is the descending degree as correlative to the wife of the father. The computation is not step-grandmother, step-mother, step-daughter, step-granddaughter, but grandfather's wife, father's wife, son's wife, grandson's wife. Turning now to the third class, we find that the step-daughter and step-granddaughter are named, the correlative ascending degree being not step-mother, but wife's mother. We can say generally that the table forbids the direct line and certain degrees from it, of natural kindred, the widows of the same, and the same of the wife's family. The more deeply the law is studied, the more clearly will its correspondence to this classification be manifest, and the more it will appear that this is the only possible way of accounting for the form in which it is given. The difference between this and our ordinary method of computation, has had much to do with causing confusion of thought about these ordinances.

There is yet another point which should be understood just here. A great many things may or may not be true, but whether they are or not, we have no right to assume them as axioms, and to put the law we are studying on a Procrustean bed, forcing it to agree with such preconceived fancy or fact. The especial reference is now to the theory always assumed as an undisputed truth, that the position of a man to his wife's kindred exactly and perpetually corresponds to that of his wife with his race. Unauthorised by Scripture and repugnant to every principle of physiology as this assumption is, the effort in this discussion has been less to comprehend what is told, than to torture the language into accordance with this unwritten higher law, which is put above the revealed will. Yet more, one has but to read over the verses to see there is a triple class of prohibitions, of natural kindred, widows of these, and wife's relations. It is assumed that what respects the latter is a mere emphatic repetition of a command given by necessary implication in the rules laid down for the



widows of kindred. Here are three distinct assumptions, that when Moses gave rules for the last two classes, he had but one in view; that when he was speaking of widows of kindred, he included wife's family; that each party to the marriage bond stands in an exactly equal relation to the family of the other. Surely, if we would learn the meaning of this venerable code, we have no right to approach it with such earth-born ideas. Our proper frame of mind is to assume nothing, fancy nothing, have no pre-conceived hypothesis, but to come with reverential effort to search, not for what we think it should teach, but for what it does actually teach. We cannot regard it as an assumption, if we accept it as it stands. As it divides itself into these three classes of prohibitions, we recognise three, and these we now proceed to examine.

#### THE LAW OF NATURAL KINDRED.

The degrees of natural relations enumerated in the law are those of mother and sister, granddaughter and half-sister, aunt by the father's and aunt by the mother's side. It will be observed that there are three couplets, and that each couplet is from a nearer to a more distant relationship. There are, in all, six specifications. Now of near natural kindred, a man can have but three orders. The direct line, the collaterals next to it, and parents' descendants. Of these three orders, two of each are named. The mother and granddaughter, the sister and half-sister, the maternal and paternal aunts.

There is in these verses the exhibition of another principle. Three times it is said that in certain cases named, relationship derived through women equals that derived through the man, and this has to be accepted as the law of natural kindred. The cases specified are taken one from each of the three degrees of possible near relatives, direct line, collaterals next to it, and parents' descendants, the granddaughter, aunt, and sister. These three examples cover the whole ground. This precision of teaching about a point we might think of not much importance, is a fresh indication that we are dealing with a rigidly exact law, intended to reach every possible difficulty, and that the legislation has in itself the key of its own interpretation.

And now proceeding to more minute examination, making no assumption but that this one code enacted for the world's guidance was intended to be a perfect one, we shall find that with all the certainty of a mathematical process we are led to necessary conclusions, and that there is no element of obscurity in this class of prohibitions.

But beginning at what might be called the fountain-head, we have an omission. The grandmother is not named. Yet if the law is perfect, she is surely and distinctly forbidden. We search in the commandments for the condemnation of this connexion and find that union with a granddaughter is interdicted. This leads us to an axiomatic rule for interpreting the code which is so simple we feel it is almost an impertinence to name it:

When one degree is forbidden, an equal degree is also forbidden.

Thus we understand why the niece is not named, this exclusion being conveyed in the prohibition of the aunt.

A more important omission is that of the daughter. And this has been especially named as indicating that the table was not designed to give a complete and exhaustive list of all forbidden degrees. We regard this rather as a proof of its rigid exactness. Of the three possible classes of kindred, it was designed to name two of each. The mother had been mentioned first. It was necessary to depart from the rule intended to be carried out, of naming two, or to omit the daughter in order to reach the more distant kindred in the direct line. Her name is not mentioned. But she is unquestionably and absolutely forbidden, if the law has indeed that perfection we claim for it. How is that prohibition announced? We find it in the fact that if the granddaughter is excluded, far more is her mother who is nearer. This leads us to another axiomatic rule for the interpretation of the code:

When a more distant degree is prohibited, the degrees intermediate are also prohibited.

The same prohibition is also conveyed in that of the mother, who is of an equal degree.

We need nothing but these two rules, which we suppose any man who is not an idiot will accept, and at once the "marriage monogram," as far as it applies to natural kindred, resolves itself

into a clear, full, rigidly exact law, in which nothing is left to influence. It includes both sexes. If a man cannot marry a woman, the woman cannot marry him. Leaving out the half-sister we present in tabular form the forbidden degrees :

## OF NATURAL KINDRED

<i>A man must not marry his</i>	<i>A woman must not marry her</i>
$\frac{1}{4}$ Grandmother,	Grandson, <sup>1</sup>
$\frac{1}{2}$ Mother,	Son,
$\frac{1}{2}$ Daughter,	Father,
$\frac{1}{4}$ Granddaughter,	Grandfather,
1 Sister,	Brother,
$\frac{1}{2}$ Aunt,	Uncle,
$\frac{1}{2}$ Niece.	Nephew.

We call especial attention to the second column. We invite our readers to examine it carefully and ascertain whether it is possible to make any other correlation than that designated; if, for instance, the degree corresponding to the sister can be other than brother, and so on for the other specifications. Satisfied about this, the inquirer will see that in half the whole table the law is identical. The man is not to marry a certain woman, *the reverse being that the prohibited woman is not to marry him*. The important bearing of this will appear later. The whole discussion hinges upon it.

Proceeding in our examination we find the law of natural kindred who are prohibited can be expressed thus :

A man or woman must not marry in the direct line, with collaterals next to it, or with parents' descendants.

But beyond and above this, is a grand principle on which these specifications are based,—a principle of universal nature, that every living creature shall be half of one blood, and half of another. The legislation we are examining amounts simply to a prohibition of any departure from this law alike of heaven and earth. We announce as the final generalisation for forbidden

<sup>1</sup>Whether *grandson* or *grandfather* should be written here, the second column expresses relationship identical with that of the first.

degrees of natural kindred, that no two persons shall unite when the sum of any one blood in the two exceeds one-half.

It does not properly belong to our subject, but all who have eyes must have seen the countless woes, the scrofulas, consumptions, blindness, and mental and moral insanity, prevalent in families where there is physical resemblance in type and feature between the parents. Distant relatives and even strangers may be, physiologically, brothers and sisters, and such unions entail a physical curse. The final residuum of the marriage law is, that union ought not to be contracted where there is such similarity.

The fractions which are written in the table show what portion of a man's blood is shared by the relative with whose name each is on line. These fractions have great bearing on the especial marriage in question, as we shall presently see. We need observe now only that grandmother and granddaughter have but half the blood in common with a man which his niece has. That niece, aunt, mother, and daughter are all equal, and yet have but half the common blood which a man's sister has with him. May we therefore conclude that it is better for a man to marry his granddaughter than his niece? And that this latter union is on the same footing as that with a mother? And that it would be only half as wrong to wed a mother as a sister, as the latter has but half the blood in common? The very questions are revolting, and need no answer. There is yet another principle, instinctive in humanity, which is not simply recognised in the marriage monogram, but is the very foundation upon which its rules are based. The iniquity of incest is not simply from the commingling of the same blood. This is a secondary consideration. The essence of the crime consists in its approach to the direct line. The sister and aunt, the daughter and granddaughter, are prohibited in the table, not because of nearness of blood, but because of nearness to parents. For the grandfather to approach his own granddaughter, and far more to approach his own daughter, would be to reveal his own shame. In other words, every prohibition of kindred not in the direct line, is directly or indirectly enforced by the nearness of the degree to this. We

have, then, an all-important principle set forth in this first class of directions, which, as we shall presently see, throws light upon the especial marriage we are aiming to understand. This principle may thus be expressed :

Commingleing with the direct line is as distinct in its unspeakable turpitude from other incestuous connexions, as these are distinct from ordinary impurity. The very essence of the sin of incest consists in approach to the direct line.

We now proceed to the second class of prohibitions.

#### THE LAW OF THE WIDOWS OF NATURAL KINDRED.

From the logical precision, which can correctly be designated as mathematical, of those laws we have just been considering, we are encouraged to hope for a similar clearness of teaching in what is now before us. Our expectations will not be disappointed.

We are forced to see the sharp line of distinction which is kept up between this class of connexions by marriage, and that of natural kindred which precedes, and of wife's relations which follows. If any among our readers desire thoroughly to test the correctness of the mode of interpretation suggested, let him turn back to the two principles of the prohibition of equal degrees and nearer degrees, used in evolving the general law respecting natural kindred, and apply them to the elaboration of this second class. Let him also see for himself, if this second part of the code has any teaching about the three orders of natural relatives. And most of all, let him ascertain if, in making the descending degree of daughter-in-law, the son's wife, the reciprocal of the ascending degree of step-mother or father's wife, there is not a manifest departure from our ordinary mode of computing relationship, and a clear indication that the table is constructed on the principle of giving prominence to the direct line.

We feel assured that those who will take the trouble to go through the mental labor, will themselves reach the conclusions we shall presently announce. Proceeding with our examination, we call attention to the fact, that while in the first class the enumeration began with the nearest prohibited degree, and closed with the most distant, in this instance the distant relation is

named first. He begins the second class where he left off the former one, forbidding the connexion which was most remote. If it is true that when a far-off relationship is interdicted, the intermediate ones are likewise prohibited, this one enactment involves all who are closer. Had we nothing else to guide us, this one command is a distinct exclusion of the widows of all kindred nearer than an uncle. To avoid possibilities of mistake, however, there are other specifications.

It will be borne in mind that there are three degrees only of near relatives a man can have: the direct line, the collateral next to it, and the descendants of parents. These three had been designated in the case of natural kindred, by taking two examples of each. In the present class of prohibitions, one of each order is named—uncle, son, brother.

Applying to these specifications the two axiomatic principles, that a farther degree prohibited involves prohibition of one that is nearer, and that one degree forbidden excludes all equal ones, we can easily find the precise extension of this law of the widows of kindred. A grandfather is nearer than an uncle and is therefore necessarily excluded. A grandson is of a degree equal to the grandfather. The nephew equals the uncle in his relationship. Hence we can construct the table of the second class of prohibitions.

*A man must not marry the  
widow of his*

Grandfather,  
Father,  
Son,  
Grandson,  
Brother,  
Uncle,  
Nephew.

*A woman must not marry  
her husband's*

Grandson,  
Son,  
Father,  
Grandfather,  
Brother,  
Nephew,  
Uncle.

But issue is taken respecting the correlative prohibitions named in the second line. If a man must not marry a step-mother or grandmother, the correlation is asserted to be, that a woman is not to marry her step-father. If a man is excluded

from his daughter-in-law, this reads between the lines that a woman must not marry son-in-law. If a man is not to marry brother's wife, the woman is not to marry sister's husband. As before stated, the whole discussion hinges on this point, of what we shall call assumed reciprocity.

We said that in the degrees of natural kindred, the opposite to the man was the woman designated, and that no other manner of reversal was possible. We are able to show that in the present table there are four cases—all but those under dispute—which are necessarily reversed as we have reversed them. When we come to the third class, we shall find a similar mode of reversal forced on us. If we assume that the prohibition of brother's wife has for its reciprocity the prohibition of wife's sister, we make this assumption in the face of just fifteen instances—all but the very ones under dispute—in which unmistakably such mode of estimating the correlation is distinctly repudiated.

The step-grandmother and step-mother are forbidden, and it is assumed that the opposite to this is, that a woman is not to marry her step-father or grandfather. But this is a manifest error. It is a confounding of two classes kept absolutely distinct. The former are the widows of kindred. The latter are the relations of wife. And in the legislation given for these last, this assumed correlation is disproved. The step-father and step-grandfather are both named in that, their proper connexion. We must believe the same thing is repeated twice, or that the opposite in every case is the individual woman prohibited. There is no case of prohibition by implication in the table, unless it is assumed that the connexion about which there is disagreement is one. Against such a theory is the undoubted fact that seven examples in the first class, four in the second, and four in the third, prove the contrary. If in this rigid clear code of what might be called cameo finish, this violent irregularity and utterly diverse mode of procedure is without notice introduced, it must certainly be proved before it can be accepted. We hold that in every case the opposites are as given in the table, and that the verses which profess to give laws about the widows of kindred, give laws for these and

for none others. A reference to the list will show that a married woman occupies the same position with respect to her husband's family which he himself does. The law which forbids her union with these, extends exactly as far as that which forbids union with natural kindred. The general expression for the second class of prohibitions is, therefore:

No man shall marry the widows of those in his direct line, of collaterals next to it, or of parents' descendants.

We do not see how there can be dispute about this class of directions. He who runs may read. Nothing is needed to enforce that of which the obligation is already perfect or to explain that which cannot be misunderstood. Guarding this point, and stepping to a lower plane of research, there is a physical reason for the enactment made for the subject of this legislation. When God created the marriage relation he said: *They twain shall be one flesh.*

It was no figure of fancy, no hyperbolic imagery, no dim poetical unity, which was announced. The words are plain prose. They declare a matter of fact, as far from romance as a rule of arithmetic. The history of creation illustrates the reality, and subsequent revelation confirms that first teaching. The beautiful narrative that tells how Eve was built up for Adam, bone of his bone, flesh of his flesh, is an exquisite setting forth of what is true of all motherhood. She was the typical mother. What was true of her is also true of her daughters. The manner of the creation of Eve was no pretty fancy, valuable chiefly for stuffing out marriage services to requisite length. All motherhood repeats the wondrous story and experiences the miracle renewed. And every son of Adam can say to the mother of the child, "This is now bone of my bone and flesh of my flesh."

The physical law to the existence of which we are alluding can be best understood by seeing its exhibitions in our "poor relations," as the animals are sometimes called. It is universally recognised. If the thoroughbred of the canine species has a litter which on the other side are "curs of low degree," and especially if this is her first litter, her subsequent ones will be tainted with cur blood, no matter how pure the later stock. It is



known that if a mare has been the mother of many mules, the colt that would otherwise have been pure, has mule marks and mule ways, which show that its blood has been tainted. If her colts were all of pure blood, it is known that, often, the last one will resemble the sire of the first, rather than its own. It is known that just as the research is carried on, the law stands out with more clearness. And that even in our own race, among the second set of children, there will not unseldom be one who resembles not so much the actual father, as the dead and buried father of the first set.

These phenomena are of too frequent recurrence to be considered accidental coincidences. They lead us to a law which he who runs may read.

The prenatal existence which for a time has with the mother a common circulation of blood, is only half her own. It is a being different therefore from herself. Its own growth and existence must be vastly modified by that life which she every moment imparts to it. But to a less degree, her own organisation brought into absolute community with an existence essentially differentiated from her own, must also be greatly influenced by that community. Dr. Carpenter, the highest authority of the generation on such points, after discussion of the subject, announces this general principle: the prenatal young of an animal, being necessarily different from herself, essentially modify her physical condition. On account of the comparative fixedness of her type, this influence is not perceptible in herself. Its existence is, however, unmistakably proved in the impress made on her later offspring. The fact that the last are assimilated to the first, when she is the only connecting link between them, and when the similarity is in traits inherited not from herself naturally, proves that an indelible change has occurred in her physical being, and that materially she has been made one with the young she bore. They twain shall be one flesh.

We consider that this physical fact throws light on an apparently strange contradiction in Scripture. Union with the widow of a brother is here absolutely forbidden, and penalties are denounced against those who violate that command. Yet, when

the widow was childless, this very union was made obligatory on the younger brother. We see now why there was a difference. What was incest in one case, was not so in the other. The seeming contradictions unite in a higher principle, and the two opposite directions are but different sides of the same truth.

We now proceed to the third and last class of prohibited degrees.

#### THE LAW OF THE WIFE'S RELATIONS.

In order to make assurance doubly sure, that our readers will see what we are examining, we again copy the law :

“17. Thou shalt not uncover the nakedness of a woman and her daughter, neither shalt thou take her son's daughter or her daughter's daughter, to uncover her nakedness: for they are her near kinswomen: it is wickedness.

“18. Neither shalt thou take a wife to her sister, to vex her, to uncover her nakedness, beside the other in her life time.”

We do not consider that the question of marriage with a deceased wife's sister depends at all upon the 18th verse, or the present translation of it; but before proceeding farther, we should inquire whether or not we are to accept that translation. If we allowed our intense desire to influence our judgment, we would introduce the marginal reading, contended for by some, and instead of having “wife to her sister,” should read, “one to another.” Thus it would be a distinct prohibition of polygamy, and would make the code complete in its extent as well as in its limitations. In the course of this investigation we were at one time glad to believe that the marginal reading is the correct one. A more thorough examination has forced us to abandon this idea. The phrase, “wife to her sister,” is the translation of a Hebrew expression, which is generally rendered “one to another.” But whenever this meaning is requisite, there is always an especial idiom in the original which is absent from this place. Hence even those most opposed to the marriage which our version appears to authorise, have felt themselves constrained to accept the present translation. There are other reasons in favor of this rendering, and the combined force of them is irresistible. The

word "sister" occurs five times in the passage in its ordinary meaning; and it is indeed passing strange, if here in the last verse, it is used in a different sense. Some weight must be given to the opinion of the rabbis, who consider the wife's sister to be designated. The phrase, "uncover the nakedness," is used in fourteen other places in this chapter, in all of which but one, where it designates a loathsome impurity, it has the specific idea of incest attached to it. It is almost impossible to believe that this, too, has a new shade of meaning. If it involves here, as we must believe, the idea of incest, this necessarily implies the correctness of our translation. It may be incestuous for a man to marry his wife's sister, but in no way could we attach this idea to simple polygamy. To read the verse thus amended, is to see it will not do at all. "Neither shall thou take one wife to another, to commit incest or loathsome impurity with her." That polygamy was prevalent with the Jews, that the parents of Samuel, and that Saul, David, Solomon, and multitudes of others practised it, is by no means a conclusive proof that none of them understood this verse to forbid plurality of wives. But it seems to us to be conclusive that when the inspired Malachi, closing the ancient revelation, reprov'd the priests for their violation of the law of monogamy, he appealed not to a distinct prohibition contained in this verse, which would have exactly suited his purpose, but to the inferential command given by the creation of one Eve for Adam. Making doubt still more impossible, Christ also, enforcing the same point, referred also to the history of the original creation. It is hard to resist the conclusion, that neither Jews, nor prophets, nor Christ himself, regarded this verse as a prohibition of many wives; and that the early as well as the later Hebrews understood it as applying to a wife's sister. The most learned and judicious of modern commentators approve the present reading. If we are regretfully forced to limit the application of the law to forbidden degrees, and do not find that recognition of monogamy for which we hoped, we must remember that neither apostles, nor prophets, nor Christ himself, gave any commands about this matter. They point to Adam and Eve as the world's model. That is enough. If this passage does not give that for

which we searched in it, it is because the law had already in another manner been enunciated for humanity, and there was no need of repetition.

We have endeavored to show the grounds for accepting the translation, "a wife to her sister:" but we repeat that we do not regard the lawfulness of the marriage in question as at all depending on that rendering. If our reading of the law has been correct, union with a deceased wife's sister is authorised, not by a disputed phrase, but by the whole of this legislation. Accepting the passage, however, as it stands, we find that a man is under perpetual obligation never to mingle with his wife's direct line. The second verse teaches that union with her sister while the wife is alive is incestuous. In the brief recapitulation of the law in Deuteronomy, the sister is named as representative of all collaterals, and so we may accept it here. The teaching is then clearly, that as long as the marriage tie exists, a man, because of his union with his wife, is one with her race. The necessary inference is, that with her death his position, unchanged with respect to her direct line, is changed with respect to her other relations. Bearing in mind that no outside light we can bring to bear should be allowed to influence by one iota the interpretation which the law gives of its own meaning, we may rightly inquire if any reason can be found for what at first may seem arbitrary distinctions, three in number—these being, a distinction which these verses seem to make between the position of husband and wife, a distinction between the relations of a living and dead wife, and a distinction between the collaterals and direct line of the wife.

We say first, that we have no right to believe that there is absolute equality in the position of the parties to the marriage contract as regards the family of the other. If it is alleged that the consensus of humanity establishes this equality, it can be replied that the consensus of humanity established the movement of the sun and stars, till a period comparatively late. Common sense is often common nonsense and common ignorance. When men learn the physiological facts bearing on this subject which have been discovered, the same common sense which made them

think that Moses made mistakes and is to be explained away, will make them glorify his words as being of superhuman wisdom. There is one legislation made for widows of kindred, and another for wife's relations. A difference is recognised between them for the simplest of all reasons; it actually exists. The law which teaches that there is an absolute change of relationship in one case does not teach there is such a permanent one in the other, because in point of fact no such change occurs. That is all. A woman is forbidden to marry her husband's kindred, because such union is not ideally, nor figuratively, nor sentimentally, but actually incestuous. The law does not forbid the collaterals of the wife, because such union is no more incestuous than marriage with one of the Antipodes.

If we find there is good ground in physical facts for the distinction which the law makes between husband and wife, we can also see why that which was incestuous at one time is not necessarily so at another. He who would limit the unity of the married state to that approximate physical identity to which we have alluded, understands little of the meaning of that high and holy relation which is the perpetual type of the bond which unites the Church to Christ. The lower and animal identity is the fleshly symbol of an ideal spiritual mysterious oneness of the soul. "He that loveth his wife loveth himself." And, again, "This is a great mystery, but I speak concerning Christ and the Church." The spiritual unity in the higher nature is as real as the material one in the inferior, and as real as that between Christ and his blood-bought host. When a man who is not utterly degraded and debased has taken on him the vows of marriage, he feels that the union between himself and his wife is perfect. Her kindred are to him as his kindred. Her mother and brothers and sisters are his likewise. In many cases he identifies himself more with her family than his own, and centres his affections rather upon his connexions by marriage than on those by blood. Nor can he even distantly conceive of a different relation. We do not know whether most to pity or loathe the married man who would not shrink with horror unutterable from the thought of future union with her to whom he feels as to his own sister; because she is the

sister of his wife. Eventually the tie may be rent by death. He stands in a home made desolated. And not least of the elements of his agony in that dark hour, is the conviction that the bond which held him in loving union with her race is snapped in twain: that he is to them an outsider, and they to him; that the ties which he felt were as real as those which united him to his own kindred, have been broken. Affection may survive, but it is that which exists between friends, not that between members of one family. He is dismayed at the sudden revolution in his condition. Or if the stunning shock comes to him more gradually, still it comes to him at last. When time has healed the wounds, and he seeks for a mother for the orphans, he looks on his deceased wife's sister precisely as on any other lady. Once there was a close tie between them, but that is now as a dream of the past. If out of the old acquaintanceship another feeling emerges, it will be nothing strange. What attracted him in one member of a household will naturally attract him again. Men may have noble traits, and yet be destitute of much depth and intensity of affection; or they may not have a great deal of stability of feeling. We believe that there are many who are never able to forget the bond that once was, and can, therefore, never face the thought of a nearer one that might be. There are others whose natures are different; and these last we do not admire less, but the steadfast ones more. Scripture gives us many privileges, and in this, as in a cognate one, he who uses his liberty may do well, but he who refrains may do better. We regard it as a question of taste and sentiment, like any other alliance.

If it should still appear strange that the death of a wife should so essentially change the position of a man towards her family, it should also be remembered that such alteration of position is not confined to her race. He is on a new footing with all women. Adultery, as falsehood to his wife, is to him no longer possible. A thought which a little while ago would have been deadly evil, is now perfectly harmless. A look, a word, an act, which would have filled every one who knew him with horror, are now nothing at all. He has the right to indulge in new feelings, and prepare for new relationships now, whereas had he done this be-

fore, he would have been a monster. If the breaking of the bond has so changed his position to all women that adultery is not possible to him, it is not at all strange that his position has also changed with respect to a certain class, and that what was incest is so no longer. Why should this especial connexion not come under the otherwise general law? Why should a relationship be assumed to be in existence, when that which created it has passed away?

It yet remains to be shown why the law, which in this third class of prohibitions is relaxed for the collaterals of the wife, is still kept up in all its rigor with respect to her direct line. We find the explanation for this in the especial sanctity with which, throughout the whole table and throughout the race of man, this class of relationship is invested. The sin of commingling here, is a horror which stands apart from every similar iniquity. When *Edipus* found he had unconsciously been guilty of this abomination, he put out his eyes in the desperation of his horror, and his wife-mother slew herself. Nature and Scripture both teach that the direct line is a class in a class, an order in an order, a degree in a degree. Rather it is because of approximation to this, that there is any cognate sin. Between this relationship and all others, there is a great gulf fixed. This is the very holy of holies of earthly ties. It is this that binds us to God. Old Adam was the son of God, and through him we are all descendants. To pollute one of the links of that chain, is to be guilty of an iniquity which neither heaven nor earth can endure. For to pollute any link is to pollute also the first one. There is a yet more recondite consideration. The earthly family, as is shown by the Apostles, is not, speaking humanly, an original idea with God; he borrowed it from the divine family to which he is father. And thus any defilement of the direct line is defilement of that which represents him. And when a man has, by his union with his wife, stood in her line, and has been ideally and spiritually through her identified with it, to him it must ever be holy and revered as his own. No changing circumstances can cause any difference here. The outer court may be thrown open—the more distant tie severed. But in what is highest and nearest

of all connexions there is to be the sanctity of an eternal obligation.

Thus this simple logic of facts does not make the law clearer, for it cannot be more simple than it already is. It does not enforce its paramount obligations. But an earth-born fancy which has arisen about the code is dispelled by an earth-born fact. There is no contradiction in any point. The law recognises a difference between the position of a man with respect to his wife's relations and that of a woman with respect to those of her husband, for the simple reason that such a difference actually exists. It forbids union in her case, because such union is actually incestuous, not simply while her husband lives, but while she lives. It prohibits his commingling with her near kindred during her life, because his absolute unity with her makes her sister as his own. It does not forbid such union after the death of the wife, because the bond, which is permanent with her, is with him terminated when she dies. Again, the law is never relaxed in its application to her direct line, because the man by living union with his wife once stood in that line; so that to him it must ever be holy. During marriage the three classes stand on an equal footing in the sight of the law, because in point of fact the unity of the married relation makes that footing equal. The author of revelation limits the application of the law to the direct line of the wife after the marriage has ceased to be, because her collaterals have no longer any connexion, material, ideal, nor figurative, with the widower. What to ignorance appeared an inconsistency, to better knowledge prevents inconsistency. The research of three milleniums shows that this code, enunciated in the early morning of time, is perfection, alike in its extension and its limitation, its precision and its simplicity.

We now return to the two verses which constitute the law for the wife's relations. The wife's daughter and granddaughter are named. That is, the man is not to marry his step-daughter or step-granddaughter. The opposite correlative to this, is not that a woman should not marry her step-son, for this had already been named, but that she is not to marry her step-father. If a man is not to marry his mother-in-law, the opposite is not that the



woman is not to marry her father-in-law, for this has already been named, but that she is not to marry her son-in-law. The theory we called that of "assumed reciprocity," on which the exclusion of deceased wife's sister is based, breaks down at every point. We conclude that a man is never to marry in the direct line of his wife, and that commingling with her collaterals during her life is incestuous.

Two points bearing directly on the controversy are to be noticed. We saw that when Moses began the laws for natural kindred with the nearest degree and ended with the aunt who is most remote, he began the second where he left off the first, with the aunt. There was a reason for this, because in excluding the most distant, he excluded those who were closer. He ended the second class with brother's wife. Had he in passing to the third, begun as he did before, where he left off, he would, had he intended to exclude her, have named the wife's sister, and thus would have emphasised the prohibition of her direct line. The fact of his not doing so, creates a probability that this exclusion was not intended. Another point of far greater importance is to be noted. It has been to avoid offensive repetition of odious words, and not from oversight, that we have used the terms "marriage" and "widow." In most of the cases, the idea of marriage is too unnatural to be entertained, and in none of the others is it suggested. In this 18th verse wedlock is for the first time named. If we can infer aught from this, it is that in this last connexion, there may be, what can never be in the others, a time and a changed condition when this holy ordinance may be possible.

We encouraged our readers to expect that their investigation would be confined to these twelve verses, and that they would not be troubled with a comparison of different passages. We hope it will not be regarded as a violation of this promise if we point out that in the next chapter but one, there is a statement of the punishments to be inflicted for the offences named here. And in his last book, Moses briefly recapitulates this law. If we find that each of the three classes of prohibitions, which are so distinct in this chapter, are recognised in every instance, it makes assurance doubly sure that we have read the law aright. We think the

20th chapter of Leviticus recognises three classes of prohibitions as distinctly as the twelve verses we have studied, only in the second enumeration the crimes are named in the order of their turpitude and degree of penalty. We can trace here the principles which we found guiding the original enactment. Father's wife, son's wife, and wife's mother, are designated, and sin with any of them was to be punished with death. Here we have the correlation between the ascending degree of step-mother and descending one of daughter-in-law on which we have insisted. Sin with mother, daughter, granddaughter, or wife's daughter or granddaughter, is not named; but on the principle that the exclusion of a more distant degree involves the intermediate ones, these are all made the subject of a like legislation. The general law of penalty is perfectly clear. Commingling with the direct line, with the widows of these, or with wife's direct line, is forbidden under penalty of death. Sister, aunt, uncle's wife, and brother's wife, are the other connexions named. These necessarily involve parents' descendants, collaterals one degree from the direct line, and widows of these. But while three direct lines are distinctly prohibited, and two sets of collaterals, the collaterals of the wife are not excluded. Recapitulating the law in Deuteronomy 27th, Moses names the step-mother first, emphasising the exclusion of direct line and widows of kindred, next collaterals and parents' descendants represented by sister, and lastly the wife's direct line introduced through the wife's mother. We can say generally that in each of the three passages there is a distinct prohibition of the three direct lines of natural kindred, widows of these, and that of the wife. That in all the three, there is also prohibition of parents' descendants, in two of them, prohibition of collaterals next to the direct line, and in two of them prohibition of the widows of these; but in none is there allusion direct or indirect to the wife's collaterals, as being permanently excluded. The half-sister and granddaughter, wife's granddaughter and daughter, are named once each, the aunt and uncle's wife and brother's wife are named twice, the step-mother, sister, and wife's mother, are each named three times, but there is no allusion anywhere to the deceased wife's collaterals. Natural kindred are

named three times, widows of natural kindred are named three times, wife's relations are named three times; but with all the reiterations, there is no allusion direct or indirect, near or remote, by any probable or possible inference, to the deceased wife's collaterals. For them Moses legislated not.

We are to notice what at first appears to militate strongly against the views we have presented, but which we believe actually strengthens them. We allude to the argument drawn from the phrase "near kinswoman," which can be stated thus:

The aunt is forbidden because she is the mother's near kinswoman. Hence a sister is a near kinswoman. But the wife's daughter is forbidden because she is the wife's near kinswoman. Hence near kinswomen of the wife are excluded. But this the wife's sister is, by the very words of the law. Hence union with her is forbidden.

Now if the reader will turn to the three verses where the phrase occurs, he will find that in two of them it is used to indicate the outer limit of prohibition and the close of the class in connexion with which it is used. After naming mother, sister, granddaughter, half-sister, all nearer relations, the paternal and maternal aunts comparatively remote, the last of the degrees of natural kindred forbidden are introduced with this reason, "She is thy mother's, thy father's near kinswoman." If we supply the evident ellipses, the insertion of the words is in answer to a conceived objection. The aunt is so far distant she should not be excluded. Nay, replies the law, she is near to your parents. Now when in the two other cases of its appearance in the code, the words are used to indicate the utmost limit of the prohibitions, we are almost forced to accord the same meaning to it when it is used the third time. It is the terminal phrase here as elsewhere, and indicates that the direct line of the wife is the final forbidden degree. In just the same way would we account for the words which occur in the verse, "it is wickedness." No where else in the whole code do they appear. We do not from this infer that there is an especial wickedness in approaching the direct line of the wife, which does not exist in connexion with other forms of incest, such as that with a mother or stepmother.

We read in it rather an argument, a remonstrance. The final class of prohibitions may appear to some unnatural and far-fetched. The law emphasises its prohibition by making this statement. As though it said, "You may fancy there is no harm in union with these far-off connexions. But you are mistaken. It is wickedness." The two phrases must be interpreted by the whole tenor of the law, not the law by these—and such is the meaning they can easily bear of marking the terminal degrees.

We have interpreted this marriage law as applied to men. We wish now to submit the interpretation we have advocated to what may be called a crucial test. We will substitute the woman for the man, and see how the reversal will affect our findings. If there has been inaccuracy or irregularity of any kind in our conclusions, this procedure will at once make it manifest. It is evident a woman can have but three classes of connexions: her natural kindred, the kindred of her husband, and those to whom her position is changed by the marriage of certain of her family. She is not to marry in her own direct line, with collaterals one degree distant, or with parents' descendants. If herself married, she is excluded from her husband's corresponding relations. And of the third class, she is not to marry one who has ever stood in her own direct line. Thus while she is told directly not to marry her step-grandfather or step-father, she is by necessary implication proved by the two recapitulations of the code, forbidden to marry her son-in-law or grandson-in-law. The reversal of the process brings out more clearly the accuracy of the law and the correctness of the interpretation we have advocated.

Our readers cannot be supposed to have interest in our own mental processes, and it is from anything but egotism that we allude to the manner in which we have reached our conclusions. Many years ago, on what we now perceive to have been insufficient grounds, we were persuaded that the marriage in question was allowable. Later we had doubts. We began this examination of the law without the slightest idea where it would lead us. Our "sentiment" is contrary to the conclusions we have reached. Resolutely abstaining from commentaries or books on the subject, we studied the twelve verses of the Decalogue, hour after

hour, day after day, until at last out of its seeming confusion a beauty of order and perfection of teachings emerged, which, in a manner most imperfect, we have attempted to set forth. If this study of the passage shall be of service to any in assisting towards a better understanding of the law, we cheerfully acknowledge our obligations to the inspiration and suggestions of an article, masterly in some respects, which was published in the October number of this REVIEW, and which discussed this especial marriage. While we have felt ourselves forced to dissent from the chief conclusions reached by the author, what we learned of him has enabled us to learn of Moses, if indeed we have understood him rightly. It is hoped there is a higher ground on which all can meet, and that all desire not to carry a point or get the better in an argument, but to find the truth of God. There is a great Day when those who teach will find either that they have been countenancing incest abhorrent to God, or have "cursed where the Lord has not cursed," and have "forbidden to marry" which is the work of Anti-christ and a doctrine of devils. We are firmly persuaded that the law was intended to be plain in its every direction, and that it can be understood. And we hold, that any one who proceeds upon the hypothesis that it is exact and perfect, will as certainly reach the conclusions we have announced, as a mathematical calculation leads in every case to a similar result. Instead of the gratuitous assumptions, that the family of the wife is always on the same footing as the widows of kindred, and that a change of relation towards the first is not possible, and that when Moses was speaking of widows of kindred, he meant wife's family also, and that when he forbade a man to marry a wife's sister during the life-time of the first, it was intended only as a more emphatic repetition of a previous command that on no account was he ever to marry her at all,—instead of all these hypotheses and a few others besides, let a man come to the study of this law with the faith, surely not hard to exercise, that what God gave to guide the world, is given to be understood by the world, and that like his other works "He saw that it was good." The student will learn for himself that the prohibited degrees of natural kindred are those of the direct line, collaterals next to it,

and parents' descendants. The same law in perpetuity extends to widows of corresponding relations. The same law during married life extends to the wife's family. When a man dies, the bond that united his wife to his race still survives. When the wife dies, the tie which through her bound the husband to her family is severed. As he once stood in her direct line, that which is the holy of holies of earthly relationship must be forever forbidden. Her other kindred after her death are to him as outsiders. Such is the teaching of the law. Such the teaching of physiology. And to us it seems clearly to be the teaching of common sense.

WM. STODDERT.

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ARTICLE V.

*The Problem of Human Life Here and Hereafter.* By WILFORD.  
New York: Hall & Co. Second Edition, 1878.

This remarkable work was originally written in verse, the metre being that of *Hiawatha*. The first few chapters were for a time retained in verse, but the important part of the work has been rewritten, and appears in prose. The book has been repeatedly noticed in religious periodicals, and with almost universal commendation. The praise bestowed on it is fulsome in the extreme. One reviewer says: "This is the book of the age; and its unknown author need aspire to no greater literary immortality than the production of this work will give him; and thousands of the best educated minds, that have been appalled by the philosophical teachings of modern scientists, will 'rise up and call him blessed' . . . His logic is not only resistless but overwhelming, exciting alternately our pity and contempt for the helpless victims." Another says: "The wave-theory of light and of sound, as taught by Tyndall, Helmholtz, and Mayer, is shown to be most ludicrously absurd. . . . It is a wonder that the great scientists named and reviewed in it, and to each of whom the author has sent a copy, have not attempted to refute it, for it